

Practitioner's Docket No. HT11P021/HSJ920030069US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: LEE et al.

Application No.: 10/687,284

Group No.: 2652

Filed: October 15, 2003

Examiner: Allen T. CAO

For: WRITE HEAD DESIGN WITH IMPROVED BUMP TO CONTROL WRITE SATURATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention of this application in the United States at a date prior to October 3, 2003, that is the effective date of the prior art publication that was cited by the examiner.
2. The persons making this declaration are the inventors.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

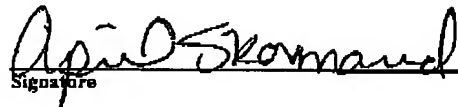
☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: 11/10/2005


Signature

April Skovmand

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—
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FACTS AND DOCUMENTARY EVIDENCE

3. As evidence of the date of conception of the invention of this application, the following attached documents and/or models are submitted as evidence:

STATEMENT: I hereby state that conception of the invention in the above-identified patent application was made prior to October 3, 2003, as supported by Exhibits A and B. Exhibit A, dated September 27, 2003, show an email message from the inventors' agent to two of the inventors, where a draft of the application was attached. Exhibit B is a printout of this draft patent application that was attached to the email message. I state that the concepts and features described in Exhibit B were conceived and discussed by the inventors prior to October 3, 2003.

EXHIBIT A: email message dated September 27, 2003 from the inventors' agent to two of the inventors.

EXHIBIT B: draft of patent application and figures attached to the email message of exhibit A, sent September 27, 2003.

Exhibit A demonstrates that a draft of the patent application was prepared and in the inventors' possession at least as early as September 27, 2003. Exhibit B demonstrates that the subject matter of claims 8-12, 15-17 and 20-24 of the present application were in the possession of the inventors at least as early as September 27, 2003. Particularly, the draft version of the patent application in Exhibit B is substantially similar to the patent application as filed.

P. 16, claims 8-12 are identical to currently pending claims 8-12.

P. 17, claims 15-17 are identical to currently pending claims 15-17.

P. 18, claims 20-24 are identical to currently pending claims 20-24.

From these Exhibits and statement, it can be seen that the invention claimed in the noted claims was made prior to October 3, 2003.

DILIGENCE

4. It is hereby declared that Applicants acted diligently up to reduction of practice or the filing date of the present patent application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to final rejection, or with a first or supplementary first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made by the examiner, in which case the declaration is considered timely and should be considered. See MPEP 715.09(e).

DECLARATION

6. As a person signing below:

I hereby declare that the documents attached hereto disclose the subject matter of currently pending claims 8-12, 15-17 and 20-24 of the subject patent application. I also declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

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Sole or First Inventor: Edward Hin Fong Lee Citizenship: USA
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